

Court of Appeals, State of Michigan

ORDER

Diana L Purnell-Monroe v David C Monroe

Docket No. 297633

LC No. 2006-717775-DM

E. Thomas Fitzgerald
Presiding Judge

Kathleen Jansen

Pat M. Donofrio
Judges

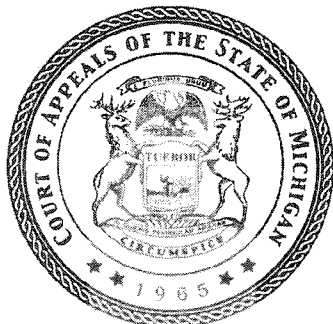
The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting this application for leave to appeal, the Court orders pursuant to MCR 7.205(F)(2), that the March 30, 2010 order, granting plaintiff approval for a temporary change of parenting time and child support is VACATED, and the matter is REMANDED to the trial court for proper consideration of the parties' motions for modification of parenting time and modification of custody pursuant to MCL 722.27. The trial court failed to, and must, consider (1) whether proper cause or a change in circumstances justifies modification and/or amendment of the prior orders regarding parenting time and custody pursuant to the parties' motions; (2) whether there exists an established custodial environment; (3) whether the requested modifications of parenting time and custody would change any established custodial environment; and (4) whether there is clear and convincing evidence that the requested modifications are in the best interests of the parties' minor child. MCL 722.27(c).

The trial court is directed to hold an evidentiary hearing on these matters, reconsider the parties' motions and enter an opinion and order making its findings and stating its conclusions within 14 days of the Clerk's certification of this order. Appellant shall immediately file 5 copies of that order with this Court, and he shall file any amendment to his application within 7 days of entry of the circuit court's opinion and order. If appellant files an amended application, appellee must file any response to it within 7 days of service of defendant's amended application.

The motion for stay pending appeal is GRANTED, and further proceedings are STAYED until resolution of this appeal or further order of this Court.

This Court retains jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL - 6 2010
Date

Sandra Schultz Mengel
Chief Clerk